

State of South Dakota

SEVENTY-FOURTH SESSION
LEGISLATIVE ASSEMBLY, 1999

484C0606

HOUSE BILL NO. 1247

Introduced by: Representatives Cerny, Davis, McNenny, and Putnam and Senators Hutmacher, Benson, Moore, and Reedy

1 FOR AN ACT ENTITLED, An Act to provide for the reinstatement, under certain
2 circumstances, of a person's driver's license under revocation for refusal to submit to a blood
3 test if the defendant is subsequently found not guilty or if the charge is dismissed.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 32-23-11.1 be amended to read as follows:

6 32-23-11.1. A person's license to drive is not subject to revocation as provided in § 32-23-11
7 or 32-23-18 if that person pleads guilty to violating § 32-23-1, or if the charge of violating
8 § 32-23-1 is dismissed by the state prior to the departmental hearing and the person is not
9 convicted of a violation of § 32-24-1 or 32-24-8, or, if a hearing is not requested, prior to a
10 revocation order being issued. If such person's license to drive is revoked, if that person has
11 never been convicted or plead guilty to a violation of § 32-23-1, and if the state subsequently
12 dismisses the charge of violating § 32-23-1, the department shall reinstate the license to drive
13 upon request by the person whose license was thus revoked.

14 Section 2. That § 32-23-18 be amended to read as follows:

15 32-23-18. The Department of Commerce and Regulation shall revoke the license of any
16 person arrested for violating § 32-23-1 or 32-23-21, who refuses to submit to a chemical analysis

1 as directed by a law enforcement officer pursuant to § 32-23-10. However, if the defendant is
2 subsequently found not guilty of violating § 32-23-1 or 32-23-21, and if the defendant has never
3 been convicted or plead guilty to a violation of § 32-23-1, the court shall order the department
4 to reinstate that person's license to drive.